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CO.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ANTHONY V. NIGRO,

Plaintiff,

v.

SEARS, ROEBUCK AND CO.

Defendant.

Case No. **'11CV1541 MMAJMA**

(San Diego Superior Court Case No. 37-2011-
00092032-CU-WT-CTL)

**DECLARATION OF C. MILLER IN
SUPPORT OF NOTICE OF REMOVAL OF
CIVIL ACTION TO FEDERAL COURT**

I, Catherine Miller, do hereby declare and state as follows:

1. I am an individual and have personal knowledge of the facts set forth in this declaration, or I have knowledge of such facts based on my review and knowledge of the business records and files of Sears, Roebuck and Co., and could testify to the same if called as a witness in this matter.

2. I currently work for Sears Holdings Management Corporation as a Senior Employment Paralegal. Defendant Sears, Roebuck and Co. ("Sears") is a wholly-owned subsidiary of Sears Holdings Corporation.

3. At the time this action was filed and at the time of this declaration, Sears was, and still is, a corporation incorporated under the laws of the State of New York.

4. At the time this action was filed and at the time of this declaration, the principal

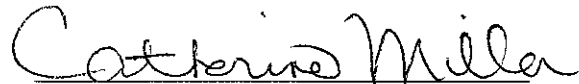
1 executive offices of Sears and its corporate headquarters were, and still are, located at 3333 Beverly
2 Rd., Hoffman Estates, Illinois 60179.

3 5. Sears' corporate records show that prior to his termination, Plaintiff Anthony V.
4 Nigro earned \$18.00 per hour, and was classified as a thirty-five hour per week full-time employee.
5 One year of wages at Plaintiff's rate of pay would amount to approximately \$37,440.

6 6. On August 27, 2010, Plaintiff Anthony Nigro's current counsel, Kirk D. Hanson,
7 sent Sears a demand letter requesting \$175,000 to settle Plaintiff's claims against the company. A
8 true and correct copy of Mr. Hanson's August 27, 2010 letter is attached hereto as Exhibit 1.

9 I declare under penalty of perjury under the laws of the United States and the State of
10 California that the foregoing is true and correct.

11 Executed this 12 day of July, 2011, at Hoffman Estates, Illinois.

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13 
14 CATHERINE MILLER